

Treaty Investor Visa (E-2) Application

Applicants with nationalities of a treaty country which are eligible for an E-2 visa classification may submit their application to the American Embassy in Amman provided they hold dual citizenship with Jordan.

If you believe you qualify for E-2 visa classification, please adhere to the instructions set forth here below.

Demonstrating Eligibility for Treaty Investor Status

The enterprise and applicant have the burden of demonstrating fulfillment of requirements for treaty investor status under 9 FAM 41.51.

Documents should be organized as set out here below. They should be highlighted as necessary to emphasize pertinent information. Assertions made in the cover letter must be substantiated through the submission of documentary evidence - presented in the order set out here below - to support those assertions.

Applications must be submitted in a binder divided into sections clearly separated by lettered or numbered tabs and include a table of contents, as provided hereinafter.

Tab A or 1

Cover letter on company letterhead outlining the company's qualifications for E-2 status. This letter must address all requirements for E visa eligibility as defined by the Foreign Affairs Manual [9 FAM 41.51](#) and U.S. law:

- The requisite treaty exists, [9 FAM 41.51 N3](#);
- The individual and/or business possesses the nationality of the treaty country, [9 FAM 41.51 N2](#);
- The applicant has invested or is in the process of investing, [9 FAM 41.51 N8](#);
- The enterprise is a real and operating commercial enterprise, [9 FAM 41.51 N9](#);
- The applicant's investment is substantial, [9 FAM 41.51 N10](#);
- The investment is more than a marginal one solely for earning a living; [9 FAM 41.51 N11](#);
- The applicant is in a position to "develop and direct" the enterprise, [9 FAM 41.51 N12](#);
- The applicant, if an employee, is destined to an executive/supervisory position or possesses skills essential to

the firm's operations in the United States, [9 FAM 41.51 N14](#); and,

- The applicant intends to depart the United States when the E-2 status terminates,

In the event the enterprise was previously qualified for E2 visa status, the cover letter must also indicate the date and location of the initial qualification. In the event the enterprise has in any way varied from the initial qualification, whether in size, nature, ownership or otherwise, those variations, however slight, must be described, both in the cover letter and supporting documentation (as provided under the pertinent tabs).

Tab B or 2

Table of Application Contents. This table must identify the documents provided and their respective location within the application as given in the tab sequence set out here below.

Tab C or 3

Completed Non-immigrant Treaty Trader/Investor Visa Application, [Form DS-156E](#) (Part I- Business profile, and Part II –Staff). The form is available to download from <http://foia.state.gov/FORMS/newscripsts/formlist.asp?type=V>. Please fill out the form completely and do not write “see attached” in response to any question.

Tab D or 4

In order to prove that the company meets **the ownership requirements**, please submit the following:

- Public companies, translated copies of the company’s registration from the Jordanian Ministry of Trade, showing shareholders names and percentage of stock ownership and a statement from a CPA stating the amount of stock that is traded on any stock exchange.
- Companies privately owned documentation of owners.
- Companies that are ultimately owned by other Jordanian companies or by a consortium, you must submit documentation identifying ultimate shareholders by nationality (Note: To the extent a certain percentage of a company’s stock is traded on the ASE, it may be assumed that the nationality of

the shareholders of that stock is Jordan.)

- For companies that have been incorporated in the U.S., please show the certificate/articles of incorporation, certificate of shares issued to shareholders, business license and lease contracts.

In all cases, a formal CPA letter must be submitted indicating the nature of the company (branch, subsidiary, or partnership), its structure, the ownership distribution and nationality of shareholders.

Tab E or 5

Demonstrate the investor and the enterprise possesses the nationality of the treaty country. The nationality of an enterprise is determined by the nationality of its individual owners. Documents tending to show nationality include valid passports identifying owners of ultimate parent company.

Tab F or 6

In order to prove that **an investment** was made, please submit: A check or a transaction to the bank evidencing investment of funds into the business by the individual or the entity requesting treaty investor status. Funds must be shown to have exchanged hands directly between the investor and the business.

Tab G or 7

In order to demonstrate **the enterprise is a real and operating commercial enterprise**, please submit the following documents:

- Company's business plan
- Contracts with various businesses
- Most recent audited financial statements
- Accounts receivable and accounts payable ledgers
- Most recent annual report
- Most recent U.S. tax return
- Bank records
- Catalogs
- News articles
- Receipts for the purchases of business equipment or inventory
- Other documents tending to show the enterprise is producing some service or commodity.

Tab H or 8

Demonstrate the applicant's **investment is substantial** and

proportionate to the value of the enterprise. For new businesses, start-up costs must be identified. Applicants must demonstrate costs identified are the reasonable and actual costs necessary to establish a similarly situated business to the point of being operational.

Tab I or 9

The alien must not be investing in a marginal enterprise solely for the purpose of earning a living. An applicant is not entitled to E-2 classification if the investment, even if substantial, will return only enough income to provide a living for the applicant and family. The investment should be substantial, and the enterprise should be a real and operating commercial one. To demonstrate the **investment is more than a marginal** one solely for earning a living, please submit evidence, such as W-2's or 1099 forms, that the company employs U.S. citizens, U.S. legal permanent residents or other lawful workers. For start-ups, include a copy of the company's most recent audited annual financial report and balance sheet.

Tab J or 10

Applicant/Employee's E visa application. Please submit the following documents on behalf of the employee:

- DS-156 (Please note that only an EVAF application will be acceptable).
- DS-157 - Males aged 16 to 45 are required to complete a supplemental nonimmigrant visa application, form DS-157.
- The green and red copy of the Jordanian post office receipt equivalent to \$131.
- Passport picture (5cm x 5cm) - with light background.
- DS-156 E (Part 3).
- Employee's CV (Curriculum vita).
- Formal letter on company letterhead explaining the reasons why the employee must be in the U.S. and a description of his responsibilities.
- Photocopy of the employee's foreign passport - Biographic page.

Tab K or 11

Spouse and children's applications. Please submit the following documents on behalf of each member of the family:

- DS-156 (Please note that only an EVAF application will be

acceptable).

- DS-157 - Males aged 16 to 45 are required to complete a supplemental nonimmigrant visa application, form DS-157.
- Cairo Bank receipt for application fee of \$131.
- Passport picture (5cm x 5cm) - with light background.
- Photocopy of the applicant's passport - Biographic page.

Important Notice!

Each file **must contain** an application on behalf of the employee the company is interested in relocating to the U.S.

In addition, it is very important to know that family members over the age of 14 need to arrive at the embassy for the interview in order to submit fingerprints.